

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Ashley Ballew,)	Case No. 6:18-cv-00059-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
United Parcel Service, Inc.,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Defendant's Motion to Dismiss. ECF No. 14. Plaintiff filed a Response in Opposition, and Defendant filed a Reply. ECF Nos. 17, 19. In accordance with 28 U.S.C. §636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial proceedings and a Report and Recommendation ("Report"). On August 20, 2018, the Magistrate Judge issued a Report recommending that Motion to Dismiss be granted. ECF No. 20. Neither party has filed objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. § 636(b). The

Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Defendant’s Motion to Dismiss [14] is **GRANTED**.

IT IS SO ORDERED.

October 17, 2018
Spartanburg, South Carolina

s/Donald C. Coggins, Jr.
United States District Judge